

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 213 be amended to read as follows:

- 1 Page 2, after line 10 , begin a new paragraph and insert:
- 2 “SECTION 2. IC 33-4-5-7, AS AMENDED BY P.L.195-2003, SECTION 2, IS
- 3 AMENDED TO READ AS FOLLOWS: Sec. 7. (a) A person shall be excused
- 4 from acting as a juror if the person:
- 5 (1) is over sixty-five (65) years of age;
- 6 (2) is a member in active service of the armed forces of the United States;
- 7 (3) is an elected or appointed official of the executive, legislative, or
- 8 judicial branches of government of:
- 9 (A) the United States;
- 10 (B) Indiana; or
- 11 (C) a unit of local government;
- 12 who is actively engaged in the performance of the person's official duties;
- 13 (4) is a member of the general assembly who makes the request to be
- 14 excused before being sworn as a juror;
- 15 (5) is an honorary military staff officer appointed by the governor under
- 16 IC 10-16-2-5;
- 17 (6) is an officer or enlisted person of the guard reserve forces authorized
- 18 by the governor under IC 10-16-8;
- 19 (7) is a veterinarian licensed under IC 15-5-1.1;
- 20 (8) is serving as a member of the board of school commissioners of the city
- 21 of Indianapolis under IC 20-3-11-2;
- 22 ~~(9) is a dentist licensed under IC 25-14-1;~~
- 23 ~~(10)~~ (9) is a member of a police or fire department or company under
- 24 IC 36-8-3 or IC 36-8-12; or

1           ~~(11)~~ **(10)** would serve as a juror during a criminal trial and the person is:  
 2           (A) an employee of the department of correction whose duties  
 3           require contact with inmates confined in a department of correction  
 4           facility; or  
 5           (B) the spouse or child of a person described in clause (A);  
 6           and desires to be excused for that reason.  
 7           (b) A prospective juror is disqualified to serve on a jury if any of the following  
 8           conditions exist:  
 9           (1) The person is not a citizen of the United States, at least eighteen (18)  
 10          years of age, and a resident of the county.  
 11          (2) The person is unable to read, speak, and understand the English  
 12          language with a degree of proficiency sufficient to fill out satisfactorily a  
 13          juror qualification form.  
 14          (3) The person is incapable of rendering satisfactory jury service due to  
 15          physical or mental disability. However, a person claiming this  
 16          disqualification may be required to submit a physician's or authorized  
 17          Christian Science practitioner's certificate confirming the disability, and the  
 18          certifying physician or practitioner is then subject to inquiry by the court at  
 19          the court's discretion.  
 20          (4) The person is under a sentence imposed for an offense.  
 21          (5) A guardian has been appointed for the person under IC 29-3 because  
 22          the person has a mental incapacity.  
 23          (6) The person has had rights revoked by reason of a felony conviction and  
 24          the rights have not been restored.  
 25          (c) A person may not serve as a petit juror in any county if the person served  
 26          as a petit juror in the same county within the previous three hundred sixty-five  
 27          (365) days. The fact that a person's selection as a juror would violate this  
 28          subsection is sufficient cause for challenge.  
 29          (d) A grand jury, a petit jury, or an individual juror drawn for service in one  
 30          (1) court may serve in another court of the county, in accordance with orders  
 31          entered on the record in each of the courts.  
 32          (e) The same petit jurors may be used in civil cases and in criminal cases.  
 33          (f) A person may not be excluded from jury service on account of race, color,  
 34          religion, sex, national origin, or economic status.  
 35          (g) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of the right  
 36          to serve on a jury under this section and except as provided in subsections (c), (d),  
 37          and (l), a person who has been convicted of a crime of domestic violence (as  
 38          defined in IC 35-41-1-6.3) may not possess a firearm:  
 39                  (1) after the person is no longer under a sentence imposed for an offense;  
 40                  or  
 41                  (2) after the person has had the person's rights restored following a  
 42                  conviction.  
 43          (h) Not earlier than five (5) years after the date of conviction, a person who  
 44          has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3)  
 45          may petition the court for restoration of the person's right to possess a firearm. In  
 46          determining whether to restore the person's right to possess a firearm, the court  
 47          shall consider the following factors:  
 48                  (1) Whether the person has been subject to:  
 49                          (A) a protective order;  
 50                          (B) a no contact order;  
 51                          (C) a workplace violence restraining order; or

- 1 (D) any other court order that prohibits the person from possessing a  
 2 firearm.
- 3 (2) Whether the person has successfully completed a substance abuse  
 4 program, if applicable.
- 5 (3) Whether the person has successfully completed a parenting class, if  
 6 applicable.
- 7 (4) Whether the person still presents a threat to the victim of the crime.
- 8 (5) Whether there is any other reason why the person should not possess  
 9 a firearm, including whether the person failed to complete a specified  
 10 condition under subsection (d) or whether the person has committed a  
 11 subsequent offense.
- 12 (i) The court may condition the restoration of a person's right to possess a  
 13 firearm upon the person's completion of specified conditions.
- 14 (j) If the court denies a petition for restoration of the right to possess a  
 15 firearm, the person may not file a second or subsequent petition until one (1) year  
 16 has elapsed.
- 17 (k) A person has not been convicted of a crime of domestic violence for  
 18 purposes of subsection (h) if the conviction has been expunged or if the person has  
 19 been pardoned.
- 20 (l) The right to possess a firearm shall be restored to a person whose  
 21 conviction is reversed on appeal or on post-conviction review at the earlier of the  
 22 following:
- 23 (1) At the time the prosecuting attorney states on the record that the  
 24 charges that gave rise to the conviction will not be refiled.
- 25 (2) Ninety (90) days after the final disposition of the appeal or the  
 26 post-conviction proceeding.
- (Reference is to SB 213 as printed January 30, 2004.)

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Representative BROWN T